

City of Killeen
Regular City Council Meeting
Killeen City Hall
March 31, 2015 at 5:00 p.m.

Presiding: Mayor Scott Cosper

Attending: Mayor Pro-Tem Elizabeth Blackstone, Council members Terry Clark, Wayne Gilmore, Steve Harris, Jonathan Okray, and Jose Segarra

Absent: Juan Rivera

Also attending were City Manager Glenn Morrison, City Attorney Kathryn Davis, City Secretary Dianna Barker, and Sergeant-at-Arms M. Mirabel.

Councilmember Clark gave the invocation, and Councilmember Okray led everyone in the pledge of allegiance.

Approval of Agenda

Motion was made by Mayor Pro-Tem Blackstone to approve the agenda as written pulling CA-38 & CA-39 for separate consideration. Motion seconded by Councilmember Gilmore. The motion carried unanimously.

Consent Agenda

CA-15-032 Consider minutes of Regular City Council Meeting of March 10, 2015.
No changes.

CA-15-033 Consider a memorandum/resolution authorizing Change Order No. 6 to the Stagecoach Road Reconstruction, Phase 2 Project with McLean Construction, Inc.
Staff comments: Scott Osburn
City staff recommends that City Council authorize the City Manager to execute Change Order No. 6 in the amount of \$51,975.00 for the Stagecoach Road Reconstruction, Phase 2 project with McLean Construction, Inc.

CA-15-034 Consider a memorandum/resolution for the procurement of network and core switches through the co-operative purchasing network - Texas Department of Information Resources.
Staff comments: Tom Moore
City Staff requests that City Council approve the purchase of network and core switches as part of the five-year replacement cycle established for the City network and expressly authorize the City Manager to execute any and all change orders that may arise.

CA-15-035 Consider a memorandum/resolution approving the investment report for the quarter ended December 31, 2014.
Staff comments: Susan Anderson w/Valley View Consulting
Ms. Anderson briefly went over the investment report. Staff recommends that the City Council approve the investment report for the quarter that ended December 31, 2014.

CA-15-036 Consider a memorandum/resolution appointing presiding and alternate judges for the May 9, 2015 general election.

Staff comments: Kathy Davis

Staff recommends the individuals listed on the resolution be named to serve as election officials for the election on May 9, 2015.

CA-15-037 Consider a memorandum/resolution amending the Joint Election Agreement with Killeen Independent School District to include Central Texas College.

Staff comments: Kathy Davis

Staff recommends adoption of the amended Joint Election Agreement to include CTC.

CA-15-040 Consider a memorandum/resolution supporting legislation allowing Bell County to create a Local Provider Participation Fund (LPPF).

Staff comments: Glenn Morrison

Private safety-net hospitals in smaller communities that do not have hospital districts often find it impossible to access the funds available to them via the Texas Waiver. Staff recommends that the City Council approve a resolution of support for the creation of a Bell County Local Provider Participation Fund (LPPF).

Motion was made by Mayor Pro-Tem Blackstone to approve Consent Agenda items CA-032 through CA-037, and CA-040, as presented. Motion was seconded by Councilmember Gilmore. Motion carried unanimously.

CA-15-038 Consider a memorandum/resolution authorizing the adoption of the 2015 Thoroughfare Plan Update.

Staff comments: Scott Osburn

City staff recommends that the City Council authorize the adoption of the 2015 Thoroughfare Plan Update for the City of Killeen.

Motion was made by Mayor Pro-Tem Blackstone to approve CA-038. Motion was seconded by Councilmember Gilmore. Motion carried 4 to 2 with Councilmember Harris and Councilmember Okray in opposition.

CA-15-039 Consider a memorandum/resolution to authorize the adoption and prioritization of the Transportation Capital Improvements Program (CIP).

Staff comments: Scott Osburn

City staff recommends that the City Council authorize the adoption and prioritization of the Transportation Capital Improvements Program for the City of Killeen.

Councilmember Okray stated for the record that he supports the thoroughfare and capital improvement plan but rejects the mechanics of their implementation. Councilmember Okray expressed a concern of not knowing some key features of the proposed CIP and believes impacts fees are an alternate method of generating revenue and are more comprehensible and flexible. Councilmember Okray will not support this program.

Motion was made by Councilmember Segarra to approve CA-039. Motion was seconded by Councilmember Gilmore. Motion carried 4 to 2, with Councilmember Harris and Councilmember Okray in opposition.

Public Hearings / Ordinances

PH-15-015A HOLD a public hearing and consider a request to amend the Comprehensive Plan's Future Land Use Map (FLUM) from 'General Residential' to 'General Commercial' (FLUM# Z15-04) for approximately 3.5 acres, located along the south right-of-way of the West Elms Road extension, east of Carpet Lane, and north of Lots 1-8, Block 2, Stratford Addition 2nd Extension and Lot 8, Block 1, Stratford Addition 1st Extension, Killeen, Texas.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN'S FUTURE LAND USE MAP FROM 'GENERAL RESIDENTIAL' TO 'GENERAL COMMERCIAL' FOR APPROXIMATELY 3.5 ACRES OF LAND LOCATED ALONG THE SOUTH RIGHT-OF-WAY OF WEST ELMS ROAD, EAST OF CARPET LANE, AND NORTH OF LOTS 1-8, BLOCK 2, STRATFORD ADDITION 2ND EXTENSION AND LOT 8, BLOCK 1, STRATFORD ADDITION 1ST EXTENSION, KILLEEN, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A PENALTY; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

Staff comments: Charlotte Humpherys

The Planning and Zoning Commission recommended approval of amending the Future Land Use Map from 'General Residential' to 'General Commercial' by a vote of 8 to 0.

Mayor Cospoer opened the public hearing.

Walter Wright, 1301 Stratford Dr. – spoke in opposition to proposed development and prefers it remain residential.

Sarah Holt, 3400 Stone Way Dr. – spoke in opposition to proposed development and prefers it remain residential.

With no one else appearing the public hearing was closed.

Motion was made by Mayor Pro-Tem Blackstone to approve PH-015A. Motion was seconded by Councilmember Segarra. Motion carried 5 to 1 with Councilmember Harris in opposition.

PH-15-015B HOLD a public hearing and consider an ordinance requested by Bellpas, Inc. (Case #Z15-04) to rezone 2.9 acres from "R-1" (Single-Family Residential District) to "B-5" (Business District), being part of the Thomas Robinette Survey, Abstract No. 686. The property is located at the southeast corner of the intersection of West Elms Road and Carpet Lane, Killeen, Texas.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF CERTAIN PROPERTY OUT OF THE CITY OF KILLEEN, BELL COUNTY, TEXAS, FROM R-1 (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO B-5 (BUSINESS DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff comments: Charlotte Humpherys

Staff notified 42 surrounding property owners within the 200' notification area. Staff has received no protests. The Planning and Zoning Commission recommended approval of "B-3" zoning by a vote of 8 to 0. At 2.9 acres, the property has sufficient land area to support a small shopping/ retail operation or other associated uses. The "B-3" zoning also reduces potential land use incompatibilities that may arise with abutting single-family residential development.

Mayor Cosper opened the public hearing.

Mike Kriegel, 102 N. College, Mitchell & Assoc – gave a brief history of property.

Sarah Holt, 3400 Stone Way Dr. – spoke in opposition to rezoning.

Walter Wright, 1301 Stratford Dr. – spoke in opposition to rezoning.

With no one appearing the public hearing was closed.

Motion was made by Councilmember Okray to approve PH-015B with the recommendation of the P&Z of B-3 zoning. Motion was seconded by Mayor Pro-Tem Blackstone. Motion carried 5 to 1 with Councilmember Harris in opposition.

PH-15-015C HOLD a public hearing and consider an ordinance requested by Bellpas, Inc. (Case #Z15-05) to rezone 0.6 acres from "R-1" (Single-Family Residential District) to "B-5" (Business District), being part of the Thomas Robinette Survey, Abstract No. 686. The property is locally known as 3302 Granite Drive, Killeen, Texas.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF CERTAIN PROPERTY OUT OF THE CITY OF KILLEEN, BELL COUNTY, TEXAS, FROM R-1 (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO B-5 (BUSINESS DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff comments: Charlotte Humpherys

Staff notified 20 surrounding property owners within the 200' notification area. Staff has received 1 protest, 1602 Nino Dr. The Planning and Zoning Commission recommended approval of "B-5" zoning by a vote of 8 to 0.

Mayor Cosper opened the public hearing.

Sarah Holt, 3400 Stoneway Dr. – spoke in opposition to rezoning.

With no one appearing the public hearing was closed.

Mayor Pro-Tem Blackstone stated for the record that she understands citizen concerns but doesn't believe council can stop progress and stated that the Council has no desire to harm the area but feels they have no choice.

Sarah Holt responded that she understands progress but wants progress to be as un-intrusive as possible.

Motion was made by Councilmember Gilmore to approve PH-015C. Motion was seconded by Councilmember Segarra. Motion carried unanimously.

Ordinances / Resolutions

- OR-15-004** Consider a memorandum/resolution amending the City Council Rules of Procedure and Protocol-amending agenda order. (2nd of 2 Readings)

Staff comments: Kathy Davis

Our current agenda format calls for a consent agenda, which is described as those items that require action by Council but where no discussion is anticipated. Removal of the consent agenda and creation of separate sections for "Minutes", "Resolutions", "Ordinances", and "Public Hearings" will match what our practice has become.

Motion was made by Councilmember Clark to approve OR-004. Motion was seconded by Councilmember Okray. Motion carried unanimously.

- OR-15-005** Consider an ordinance declaring unopposed candidates and canceling the May 9, 2015 General Election in District 2 and District 4.

The City Secretary read the caption of the ordinance.

AN ORDINANCE DECLARING UNOPPOSED CANDIDATES IN THE MAY 9, 2015 GENERAL CITY ELECTION; CANCELING THE ELECTION IN DISTRICTS WITH UNOPPOSED CANDIDATES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Staff comments: Kathy Davis

The attached ordinance has been prepared canceling the election in District 2 and District 4 since those districts have an unopposed candidate, no write-in candidates, and no propositions to appear on said ballot. Staff recommends adoption of the proposed ordinance.

Motion was made by Councilmember Segarra to approve OR-005. Motion was seconded by Councilmember Harris. Motion carried unanimously.

- OR-15-007** Consider an ordinance amending Chapter 2, Article VI, Section 2-150 Fees and Chapter 24, Article II, Division 6, Rates for Municipal Solid Waste Collection and Disposal Service.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING CHAPTER 2 (ADMINISTRATION), ARTICLE VI FEES, SECTION 2-150 FEES AND CHAPTER 24 (SOLID WASTE), ARTICLE II, DIVISION 6, SECTION 24-115. RESIDENTIAL RATES, SECTION 24-116. COMMERCIAL RATES, SECTION 24-117. RECYCLING RATES, AND SECTION 24-118. TRANSFER STATION RATES, OF THE OFFICIAL CODE OF ORDINANCES OF THE CITY OF KILLEEN, TEXAS, PROVIDING FOR INCREASES IN SOLID WASTE FEES; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

Staff comments: Scott Osburn

Staff recommends that the City Council adopt the attached ordinance amending the solid waste collection and disposal rates.

Councilmember Okray stated for the record that regarding the previous consensus of the Council and the whole adoption of rate study, he cannot support the attached ordinance amending disposal fees for any amount.

Motion was made by Mayor Pro-Tem Blackstone to approve OR-007 with changing rates for residential containers of all sizes to a straight across the board 13% rate increase. Motion was seconded by Councilmember Clark. Motion carried 4 to 2 with Councilmember Harris and Councilmember Okray in opposition.

Adjournment

With no further business, upon motion being made by Councilmember Okray, seconded by Councilmember Gilmore, and unanimously approved, the meeting was adjourned at 6:30 p.m.

Scott Cospers, Mayor

Dianna Barker, City Secretary